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Housatonic Environmental Action League, Inc.

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COMMENTS PRESENTED ON NOVEMBER 18, 2003 TO THE GE/HOUSATONIC RIVER SITE REST OF RIVER HUMAN HEALTH PEER REVIEW PANEL, CRANWELL RESORT, LENOX, MA

Good afternoon. My name is Judy Herkimer and I am a founding member and current director of HEAL. The Housatonic Environmental Action League, Inc. (HEAL) is a 501(c)(3) non-profit, broad-based grassroots environmental advocacy coalition that includes individuals and organizations from the tri-state area who are dedicated to the protection of the Housatonic River and its watershed. Our non-partisan all-volunteer organization has been actively involved with the Environmental Protection Agency's (EPA) Housatonic River Project as it relates to General Electric's (GE) polychlorinated biphenyl (PCB) contamination of the river system. In 1996, a small group of citizens were concerned that the Connecticut region of the PCB-contaminated river was not being adequately addressed. To our surprise, our research uncovered that the longstanding "river protection" group in CT had, for years, been accepting tens of thousands of dollars from GE. With the help of Tim Gray from the Housatonic River Initiative (HRI), HEAL was formed and we continue to be a vocal proponent for removal and destruction of GE's PCBs from the entire Housatonic River watershed.

HEAL extends its appreciation to HRI as the sole recipient of the EPA's Technical Assistance Grant in their contracting Dr. Peter deFur. We fully support and endorse Dr. deFur's comments and thank him for the competent guidance he has provided to multiple stakeholders during this process.

It is clearly evident that considerable work went into EPA's HHRA under the coordination of Susan Svirsky and her team. We believe that the Risk Assessment has some serious deficits that we request you consider during your deliberations.

The Schaghticoke Indian Tribe of Kent, CT continues to be ignored in the process. The agencies persist with their platitudes such as: ***"...investigation of tribal practices in Connecticut is still underway..."*** and ***"...EPA is concerned about the consumption rates associated with the Schaghticoke Tribe, and will be discussing them further with the tribal members."*** As of July 30, 2003, according to Gail Harrison (Laughing Brook), Vice Chairman of the Schaghticoke Tribal Council, there has been no contact from any federal agency involved with the GE/Housatonic River site. How long will this patronizing and disrespect be allowed to continue against this First Nation people?

Additionally, members of the Schaghticoke Indian Tribe have shared with HEAL their traditional consumption practices dating back 40-50 years for the representatives we interviewed. One of their favorite and most frequent meal consisted of bottom feeding fish (catfish, bullhead, carp) being encased in a thick covering of PCB-contaminated river bottom mud, and being placed (ungutted) in an open fire to cook. This particular meal was consumed about 3-4 times each week. They were subsistence consumers from the entire river system that included, among other things, eel (no longer found in the river), all fish, frog, turtle, squirrel, rabbit, raccoon, turkey, deer, goose, duck, snake, mushrooms, plants and multiple types of tree barks. All parts of the animals were consumed including organs (e.g. liver) and fats. Of course these consumption practices included children, pregnant women, breastfeeding women and women of childbearing age. These practices have been recently curtailed (? 4-5 years ago), with enhanced reduction of certain species since HEAL contacted them in 1999. We could find no reference in the HHRA to associated human health risks pertaining to medical and psycho-social issues related to no longer being able to practice their traditional food practices and not being able to fully practice their religion.

In addition to eel, are there any other species that are no longer found in the system but contributed to the current body burdens in humans? The HHRA does not consider this issue.

There have been no duck sampling in CT despite the duck tissue in MA found to have the highest levels of PCBs ever found. HEAL has been told repeatedly that the contaminated duck are "Massachusetts ducks", and that the CT Department of Environmental Protection (DEP) and CT Department of Public Health (DPH) have no plans to add waterfowl to CT consumption advisories. HEAL requests additional waterfowl sampling in CT to determine risk and potentially adding species to advisories.

Frog and turtle are not included in the CT consumption advisories. Representatives of DEP have repeatedly stated at meetings that their field surveys show no one eats frog or turtle in the CT section of the river. HEAL requests further sampling of frog and turtle in CT to determine risk and potentially adding species to advisories.

In a Hartford Courant newspaper article (***Health threat posed by some fish in state***) of January 8, 1993 says about the Housatonic River: ***"I know that some refugees fish here {in Connecticut}, but I hope that they don't fish in that particular river," said Valyna Loeu, a social worker at the West Hartford-based refugee assistance organization."*** and ***"Several years ago, environmental officials surveyed Housatonic anglers and found that 54 percent of those using bait were eating their catch."*** HEAL regularly observes people of color, Latino and Asian anglers leaving the river with their catch in-hand. Inadequate angler surveys are represented in the HHRA for both MA and CT.

Dr. Deborah Rice and Dr. Susan Schantz have clearly demonstrated reproducible adverse effects to living tissue when exposed to PCBs in levels as low as parts per trillion. We believe that the reduction of acceptable threshold levels deserves consideration.

Inadequate attention to the volatilization of PCBs throughout the river system in light of compelling research that indicates this as a definite pathway of exposure. In your handouts is a videotape of Dr. David Carpenter's presentation at the Housatonic Risk Summit recently held at the Lee [MA] Town Hall on September 24, 2003. The Risk Summit was the brainchild of HRI and co-sponsored by HEAL and the Berkshire Environmental Action Team (BEAT). Dr. David Carpenter is an internationally recognized expert in PCB and public health. He is a Professor at the Environmental Health and Toxicology Division, School of Public Health at the University of Albany in New York. Dr. Carpenter has been an editorial advisor to many scientific journals, hosted a 170 station syndicated Public Health Radio Show, and former Chair of the School of Public Health at SUNY Albany. He has been widely published in numerous peer-reviewed journals. You will see that Dr. Carpenter unequivocally believes that the primary exposure route is most likely ***not*** fish consumption but through breathing in volatilized PCBs. His recent disturbing study along the Hudson River utilizing zip codes should be incorporated into the Housatonic River HHRA.

Tree bark research related to the uptake of PCBs has not been considered. Consideration needs to be addressed for those that harvest tree bark for human consumption and to the animals that include tree bark in their diets. Although this is probably a minor consideration for human consumption exposure, tree bark uptake of PCBs weighs heavily in the presence of volatilizing PCBs.

HEAL is aware of rumors that Asian populations are selling Housatonic River fish in markets. This practice is of great concern and deserves further investigation and possible inclusion in the HHRA.

Candlewood Lake in CT was created from Housatonic River water, and continues to be pumped with river water for hydroelectric generation. Inadequate sediment, water column and biota sampling and human health studies have occurred in and surrounding the lake.

Canals, locks, diversionary pools, channels and river bypasses in the CT section have not been adequately sampled.

Most data for the CT section of Rest of River reaches is historic and generated by GE. We do not trust GE's data and do not believe the RP's data should be allowed into the HHRA in the absence of parallel sampling by EPA.

For years HEAL has called for additional baseline testing of the floodplain in CT and additional deep core sampling behind the CT dams to determine the full extent of PCB contamination and to clearly define any hot spots in the system. We will continue to advocate for additional testing in the HHRA and the EcoRA, and into the foreseeable future until such time as EPA concurs or HEAL has the financial and technical assistance to complete the sampling.

There has been no apparent consideration for PCB deposits behind defunct dams segments that are hidden under water.

A new bridge is proposed for Lake Zoar (Stevenson Dam). Not only has no sampling occurred behind Stevenson Dam, there is no coordination between agencies on construction projects that will disturb and resuspend PCB contaminated sediment.

There have been no human adipose samples, thyroid function studies (or other endocrine system studies) or human breast milk analysis. There have been no epidemiological retrospectives, longitudinal studies, birth record data, tumor registry or death record reviews.

There appears to be inadequate consideration of existing PCB body burdens that exist as a result of the combination of ongoing exposure through living, recreating or through occupation exposure.

Existing CT floodplain maps were not utilized in identifying floodplain and in the sampling of floodplain.

Northeast Generation Company's 1999 comment letter to the Consent Decree related to the ongoing FERC relicensing process of their hydroelectric facilities in CT and their concerns surrounding responsibility for existing PCBs behind the dams. It states: ***"However, high levels of PCBs still remain in sediments at each dam along the Housatonic River."***

HEAL believe that EPA must not evaluate risk to humans exposed to PCBs in the absence of considering the other toxins found in the river system, including but not limited to, dioxins, dioxin-like compounds, non-dioxin-like compounds and VOCs.

HEAL along with HRI organized the first PCB Congress that took place in March 2003. The Declaration of Independence from PCBs was written, signed and ratified by 36 organizations dealing with PCB-contaminated sites. We encourage the PR panel and EPA to read and incorporate the Declaration into their recommendations and considerations. A copy of the Declaration is in your handouts.

The fiction continues that areas left untouched will improve naturally. PCBs do not degrade naturally and will persist for centuries. Dispersal by air will harm people throughout the globe where PCBs hit the cold air, settle out and concentrate in local fish and meat. This is not "recovery" but merely a shifting of health risks to people in other regions.

The Wingspread Consensus Statement on the Precautionary Principle of 1998 in part states:
"When an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the Precautionary Principle must be open, informed and democratic and must include potentially affected parties." HEAL fully supports and endorses the Precautionary Principle and urges the PR panel to incorporate it into their discussions and findings.

It is now known that very low levels of some individual chemicals are biologically active in humans... particularly in-utero. As mentioned earlier, some chemicals interfere with hormones at levels measured in parts per trillion. Other studies have now shown that harmless levels of several individual chemicals can combine together to produce harm. We may never be able to determine the precise effects on the offspring of a pregnant woman who drinks (and breathes) a toxic brew of PCBs, mercury, lead, benzene, and who knows whatever else that is in the Housatonic River system. Even if she is drinking (or breathing) these chemicals every day, it doesn't really matter if they build up in her body or not; even if she was to excrete

all of them every day, she gets a fresh new load every day, so her body is continuously awash in General Electric toxicants. Can this possibly be good for babies? Is this what we want for our babies in this watershed...or anywhere? Do we really need scientists to answer these questions for us? Ask any mother that lives along this river.

The essence of this risk assessment approach mandates scientific proof of harm before justification is reached in order to implement action towards protection. The risk assessment approach is the main operating principle of the Environmental Protection Agency to determine risk. HEAL believes whole-heartedly and with no disrespect to those sitting on this panel or to EPA that risk assessment is truly not a "scientific" exercise at all, but a highly subjective mixture of prejudices, biases, guesses, estimates, some scientific facts, and many ethical judgments, all under the guise of "objective" science. This old science-based strategy continues to fail us. Perhaps a new, precautionary path can get us where we need to go towards security and safety of all living beings everywhere.

Respectfully presented,
Judith A. Herkimer, Director

ATTACHMENTS/ Handouts:
David Carpenter, MD video presentation
Declaration of Independence from PCBs
Lakeville Journal photo of Grover Ralph
Copy of HEAL comments to HHRA Peer Review Panel